

Megan Dawson
Team Leader, Resource Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email: Megan.Dawson@planning.nsw.gov.au

Dear Ms Dawson

**Re: Luddenham Clay/Shale Quarry – Modification 4 (DA 315-7-2003 MOD 4)
Revised Response to Submissions**

I write in response to your email dated 7 November 2017 regarding the revised response to submissions (RTS) submitted by Epic Mining, the applicant for the proposed consent modification for the Luddenham Clay/Shale Quarry. Council has considered the revised RTS and considers that it addresses most of Council's previous concerns, including all requests for more information. Council's remaining concern relates to on-site sewage management and could be addressed through suitable conditions of development consent.

Potential Site Contamination

Council previously raised the requirements of SEPP 55 – Remediation of Land and outlined concerns in relation to the suitability of the subject site for the proposed development. In response National Integrated Creative Solutions has prepared a Preliminary Site Investigation (PSI) and Focused Environmental Site Assessment of 285 Adams Road, Luddenham.

In their assessment National Integrated Creative Solutions conclude that the site is suitable for the proposed development. Based upon the submitted information it appears that the requirements of SEPP 55 have been met and that the site is suitable for its intended use. However, the Stage 1 PSI does not detail the author's qualifications and experience in contaminated land assessment and management. The Department of Planning and Environment may wish to make further enquiries with the environmental consultant to ensure that they are able to demonstrate adherence to Schedule B9 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

Water Quality

In its previous submission Council recommended that the applicant undertake appropriate water quality monitoring in accordance with the provisions of Liverpool Development Control Plan 2008.

As detailed in the revised RTS, Epic Mining subsequently confirmed that the proposed sediment ponds were designed in accordance with the relevant guidelines and that the capacity of the ponds is 10% greater than the required size so as to provide greater

confidence that all water runoff will be captured. This addresses Council's concerns, subject to DPE's assessment confirming the adequacy of the sediment ponds.

Flood Risk

Council previously requested that the applicant undertake a detailed flood study of Oaky Creek to assess the flooding impact of the proposal. The applicant has submitted further information to Council which is summarised in the revised RTS. Based upon the information provided, Council is satisfied that the subject development area is not affected by the 100 year flood and hence the proposed modification would have no impact on flooding in Oaky Creek.

On-site sewage management

Council previously requested that the applicant obtain approval under s68 of the *Local Government Act 1993* to operate the existing on-site sewage management system (OSMS) at 2470 Elizabeth Drive Luddenham.

In response the applicant has stated that they are not the landowner of 2470 Elizabeth Drive, that this site will only be used for stockpiling activities which do not generate greywater, and that all workers associated with stockpiling activities will continue to use existing approved OSMS facilities.

While approval to install or operate an OSMS is required from Council pursuant to section s68 of the *Local Government Act 1993*, it is acknowledged that there is little connection between the activities for which the modification seeks consent and the OSMS at 2470 Elizabeth Drive. However, if any future use is made of this system by Epic Mining employees in connection with the operation of the quarry, Epic Mining must obtain approval for its operation.

It is noted that the existing development consent contains the following condition:

31. The Applicant shall ensure that the site has a suitable sewage disposal system, to the satisfaction of the LCC.

Council requests that an additional condition require that no greywater may be generated at 2470 Elizabeth Drive (Lot 280 DP 571171) unless the OSMS at this location is approved by Council under s68 of the *Local Government Act 1993*.

Thank you for your consideration of this issues. Should you require any further information on this matter, please contact Kieran Woolfe, Strategic Planner on 9821 9306.

Yours sincerely



David Smith
A/Manager Strategic Planning